

1 SULLIVAN LAW OFFICES
J. D. SULLIVAN, CA Bar No. 98057
2 1650 North Lucerne Street, Suite 201
Minden, NV 89423

FILED

MAR 21 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

5 Attorneys for Plaintiffs/Counterdefendants,
H. GENE CARNES, PHILIP G. CARNES,
6 JENNIFER CARNES, KEVIN D. SCHALLER
and KATHRYN J. SCHALLER

E-filing

UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

13 H. GENE CARNES, et al.,) No.: C 00-20084 RMW
14 Plaintiffs,) 852
15 vs.)
16 MICHAEL A. ZAMANI, et al.,) STIPULATION AND ORDER
17 Defendants.) PRESERVING RIGHTS TO CLAIM
18 AND RELATED COUNTERCLAIM.) SUMS ON APPEAL
19

COME NOW THE PARTIES, by and through their respective attorneys of record and stipulate, subject to court order, that, notwithstanding the filing and recording of the Full of Satisfaction of Judgment, attached as Exhibit "A", all parties shall retain and preserve their rights, in the pending appeal, to move for costs, expenses, attorney's fees and/or sanctions, and to oppose any motion seeking same.

27 The filing and recording of the Full of Satisfaction of Judgment
28 shall not moot the appeal, and shall not preclude any party or

1 parties from seeking costs, expenses, attorney's fees and/or
 2 sanctions, or preclude any party or parties from opposing any
 3 motion seeking the same, except that the filing and recording of
 4 the Full Satisfaction of Judgment cannot be asserted, in and of
 5 itself, as a basis for opposing a motion for costs, expenses,
 6 attorney's fees and/or sanctions.

7 DATED: February 14, 2005.

8 **SULLIVAN LAW OFFICES**

9 By:

10 J. D. SULLIVAN, ESQ.
 11 Attorneys for Plaintiffs/
 12 Counterdefendants, Philip G.
 Carnes, Jennifer Carnes, Kevin
 D. Schaller and Kathryn J.
 Schaller

13
 14 DATED: February 15, 2005.

15 **HERR & ZAPALA, LLP**

16 By:

17 TIMOTHY E. HERR, ESQ.
 18 Attorneys for Defendant/
 19 Counterclaimant, Michael A.
 Zamani

20 3/14/05 Stipulation accepted and no ordered

21 Ronald Magill
 22 District Judge
 23
 24 3/14/05

EJ-100 MODIFIED

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

After recording return to:

Sullivan Law Offices
 J.D. Sullivan
 1650 N. Lucerne Street
 Minden, NV 89423
 TELEPHONE NO: (775) 782-6915

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiffs

UNITED STATES DISTRICT COURT FOR THE NORTHERN DIST. OF CALIFORNIA

STREET ADDRESS: 280 South 1st Street

MAILING ADDRESS: Same

CITY AND ZIP CODE: San Jose, CA 95113

BRANCH NAME:

FOR RECORDER'S OR SECRETARY OF STATE'S USE ONLY

PLAINTIFF: H. Gene Carnes, Phillip Carnes, Jennifer Carnes, Kathryn Schaller, Kevin Schaller

CASE NUMBER:

DEFENDANT: Michael A. Zamani, Nancy Miller-Wallace, (Formerly Nancy Zamani)

C-00-20084

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT

 FULL PARTIAL MATURED INSTALLMENT

FOR COURT USE ONLY

1. Satisfaction of the judgment is acknowledged as follows:

a. Full satisfaction(1) Judgment is satisfied in full.(2) The judgment creditor has accepted payment or performance other than that specified in the judgment in full satisfaction of the judgment.b. Partial satisfaction

The amount received in partial satisfaction of the judgment is \$

c. Matured installment

All matured installments under the installment judgment have been satisfied as of (date):

2. Full name and address of judgment creditor: H. Gene Carnes,

Phillip Carnes, Jennifer Carnes, Kathryn Schaller, Kevin Schaller

c/o J.D. Sullivan, Esq., 1650 N. Lucerne St., Ste. 201, Minden, NV 89423

3. Full name and address of assignee of record, if any:

N/A

4. Full name and address of judgment debtor being fully or partially released: See Exhibit A attached.

c/o Herr & Zapala, LLP, 152 North 3rd Street, Ste. 500, San Jose, CA 95112

5. a. Judgment entered on (date): November 24, 2004

b. Renewal entered on (date):6. An abstract of judgment certified copy of the judgment has been recorded as follows (complete all information for each county where recorded):

COUNTY	DATE OF RECORDING	INSTRUMENT NUMBER
Santa Clara County	January 7, 2005	18179552

7. A notice of judgment lien has been filed in the office of the Secretary of State as file number (specify):

NOTICE TO JUDGMENT DEBTOR: If this is an acknowledgment of full satisfaction of judgment, it will have to be recorded in each county shown in item 6 above, if any, in order to release the judgment lien, and will have to be filed in the office of the Secretary of State to terminate any judgment lien on personal property.

Date: 2/15/05

(SIGNATURE OF JUDGMENT CREDITOR OR ASSIGNEE OF CREDITOR OR ATTORNEY)

Page 1 of 2

*The names of the judgment creditor and judgment debtor must be stated as shown in any Abstract of Judgment which was recorded and is being released by this satisfaction. ** A separate notary acknowledgment must be attached for each signature.

Form Approved for Optional Use
Judicial Council of California
EJ-100 (Rev. January 1, 2005)

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT

Code of Civil Procedure, §§ 724.050,
724.120, 724.250

EXHIBIT A

American LegalNet, Inc.
www.USCourtForms.com

EXHIBIT A

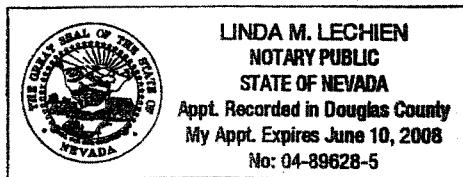
Additional information for Item 4:

Full name of all judgment debtors being released are: Michael A. Zamani, an individual aka Mike Zamani, aka Akbar Zamani, aka Akbar J. Zamani aka Akbar Jaffari Zamani, Nancy Zamani, an individual aka Nancy J. Zamani aka Nancy J. Wallace aka Nancy Wallace.

EXHIBIT A-2

STATE OF NEVADA)
COUNTY OF DOUGLAS) ss.
)

On February 15, 2005, before me, Linda LeChien, personally appeared J. D. Sullivan, X personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Linda M. Lechien

Signature of Notary

OPTIONAL _____

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL
 CORPORATE OFFICER

DESCRIPTION OF DOCUMENT

Acknowledgment of Satisfaction of Judgment
Title or Type of this Document

TITLE

PARTNER(S) LIMITED
 GENERAL

Number of Pages: 2

ATTORNEY-IN-FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: Attorney for
Judgment Creditors

Date of Document: 2/15/05

SIGNER IS REPRESENTING
Name of Person(s) or Entity(ies)

Judgment Creditors

Signer(s) Other Than Named
Above

EXHIBIT A-3